

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

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SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Eduardo VEGA-Gamboa,

Defendant

Magistrate Docket No.

COMPLAINT FOR VIOLATION OF: DEPUTY

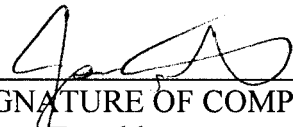
Title 8, U.S.C., Section 1326

Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **January 9, 2008**, within the Southern District of California, defendant, **Eduardo VEGA-Gamboa**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **10th** DAY OF **JANUARY** **2008.**


 Louisa S. Porter

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Eduardo VEGA-Gamboa****PROBABLE CAUSE STATEMENT**

On January 9, 2008 Border Patrol Agents R. DeLeon and Agent W. Neimeyer were performing linewatch duties in Tecate, California in an area known as "The Scraper". This area is approximately five miles east of the port of entry at Tecate, California and approximately two hundred yards north of the international border with Mexico. At approximately 10:45 AM the agents received a citizen's report of a single male walking along the train tracks just south of Highway 94. The agents responded to the area to question the individual. When the agents encountered an individual later identified as the defendant **Eduardo VEGA-Gamboa**, he jumped off the tracks and ran. After a brief search, the agents found the defendant attempting to hide in boulders and brush. The agents identified themselves as Border Patrol Agents and questioned the defendant as to his immigration status. The defendant admitted to be a citizen and national of Mexico illegally present in the United States. The defendant was arrested and transported to the Tecate Processing Center for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **January 30, 2007** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his rights as per the Miranda Warning. The defendant understood his rights and agreed to be interviewed without representation. The defendant admitted to being a citizen and national of Mexico illegally present in the United States. The defendant admits to being deported and he did not receive permission from the Attorney General to re-enter the United States. The defendant admitted that he knew that he was in the United States illegally when the agents encountered him. The defendant's destination was Pomona, California to find work and to see his family. The defendant admits that the criminal and immigration record found on him is his.